



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2015-30**

**LEGISTAR: #20150810**

**LANDOWNERS:** HI Atlanta Inc.  
111 West Fortune Street  
Tampa, FL 33602

**APPLICANT:** Tony Patel  
Horizon Hospitality Management Inc.  
200 Northpoint Way  
Acworth, GA 30102

**AGENT:** N/A

**PROPERTY ADDRESS:** 2500 Delk Road

**PARCEL DESCRIPTION:** 17 07990 0080

**AREA:** 4.11 acres      **COUNCIL WARD:** 7A

**EXISTING ZONING:** OI (Office Institutional)

**REQUEST:** OHR (Office High Rise) w/ SLUP for extended stay hotel

**FUTURE LAND USE:** RAC (Regional Activity Center)

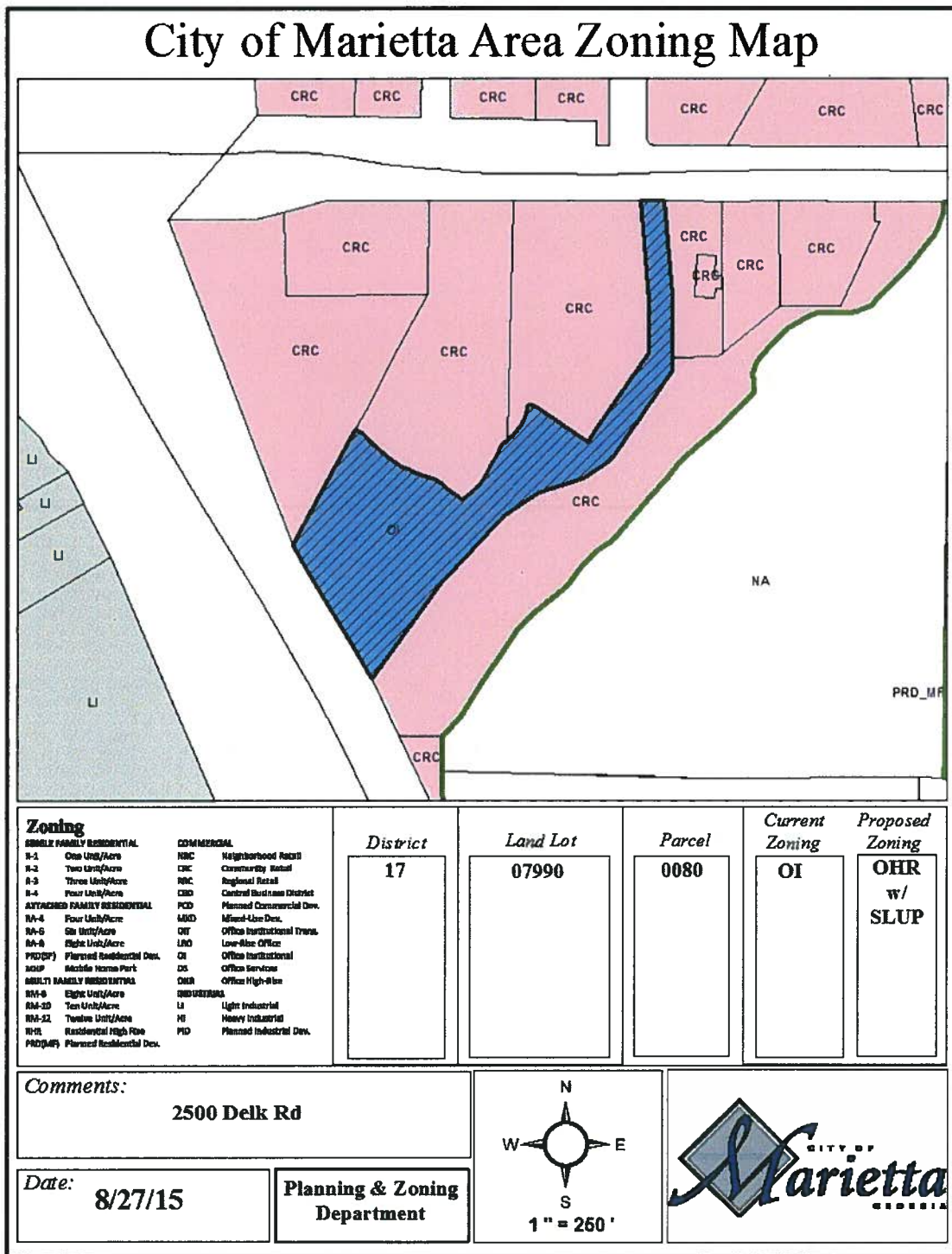
**REASON FOR REQUEST:** The applicant is requesting approval to construct a one hundred sixty (160) room hotel with seventy (70) of those rooms being extended stay units.

**PLANNING COMMISSION HEARING:** Tuesday, October 6<sup>th</sup>, 2015 – 6:00 p.m.

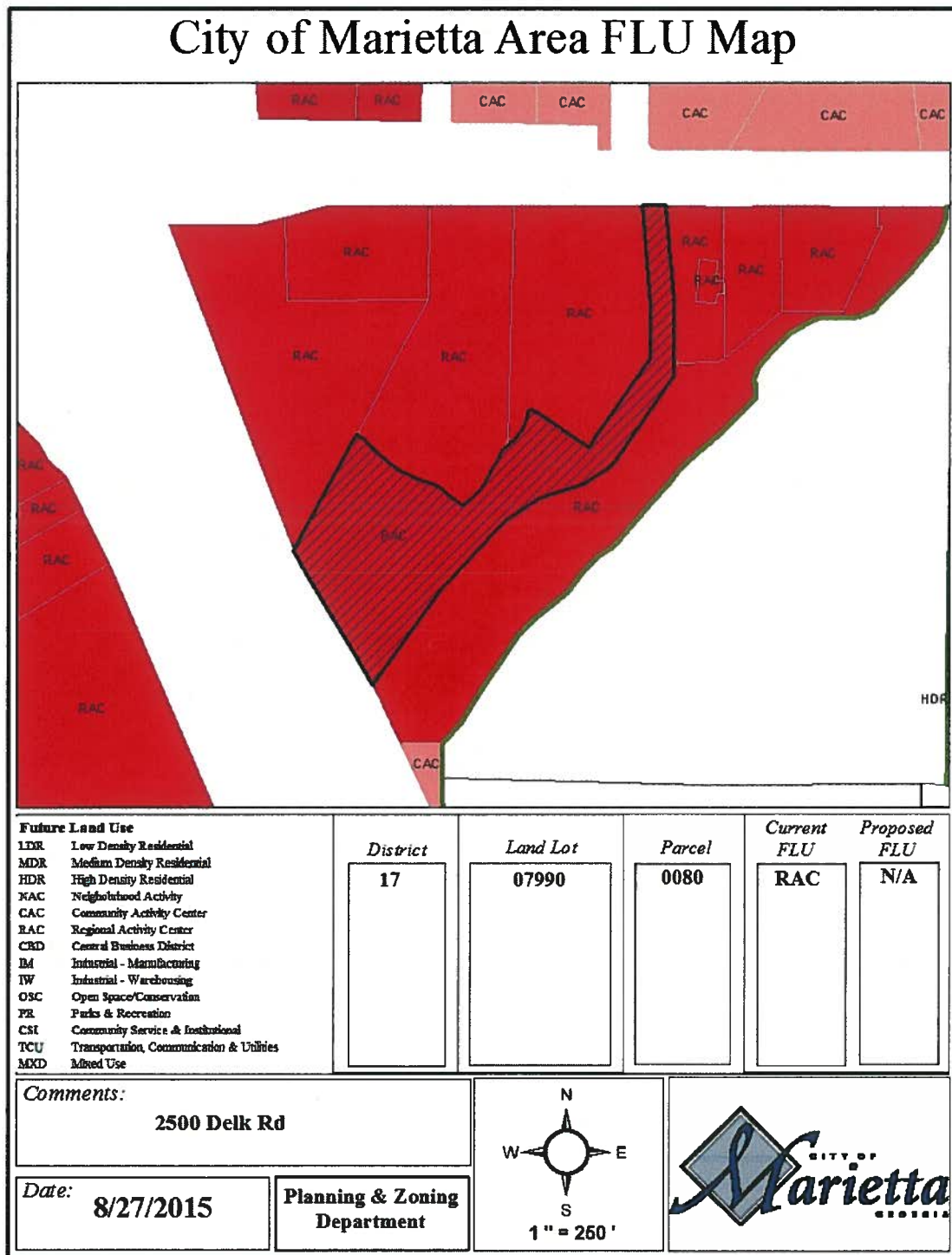
**CITY COUNCIL HEARING:** Wednesday, October 14<sup>th</sup>, 2015 – 7:00 p.m.

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## MAP



## FLU MAP





### PICTURES OF PROPERTY



**Entrance to subject property**



**Aerial view of property**

## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Tony Patel with Horizon Hospitality Management Inc., is requesting the rezoning and a Special Land Use Permit for the property at 2500 Delk Road in order to construct a new, one hundred sixty (160) room hotel. The property is approximately 4.11 acres in area, currently zoned OI (Office Institutional), and is undeveloped. All of the surrounding properties are zoned CRC (Community Retail Commercial) and contain uses such as a motel, extended stay motel, gas station, and fast food restaurants. The property contains approximately three hundred thirty (330) feet of frontage along the east side of Interstate 75.

### *Use Potential and Impacts*

The applicant is proposing the construction of a four (4) story, one hundred sixty (160) room Marriott hotel. The hotel will be a combination of two Marriott brands: seventy (70) rooms will be extended stay suites under the Towne Place Suites brand and ninety (90) rooms will be standard hotel rooms branded as Fairfield Inn & Suites. This site is optimally located for a hotel because of its visibility from Interstate 75. Access to the property is a little difficult, in that it takes a circuitous path from Delk Road. There are other hotels and motels in the area that are underutilized, vacant, or not being appropriately maintained. This has caused many issues for the City Police, Fire and Code Enforcement Departments. Staff has concerns about whether the introduction of another extended stay hotel property into the area would alleviate or exacerbate the problems.

City code defines extended stay facilities as *“any hotel or motel in which fifty percent or greater of all guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or utilized for weekly or monthly occupancy.”* As such, the propose hotels would be considered an extended stay facility. In addition, the current zoning of the property, OI, does not support extended stay hotels.

The application states that the facility will not offer weekly or monthly rates. Many hotels in the area have had issues over the years by functioning, not only as extended stay hotels, but as apartments, impacting the City’s Police, Fire, Building, Code Enforcement, and school resources. Extended stay hotels have their own set of regulations detailed under Section 712.03, many of which cannot be verified until permits are submitted for the site and building. However, below is a list of pertinent restrictions:

- All guest rooms which have facilities for both the storage and preparation of food and have less than 300 square feet of floor area are limited to a maximum of 2 persons per such room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowable per each additional 75 square feet of floor area up to and including a maximum of 4 persons.

- No more than 10 percent of individual guests shall register, reside in, or occupy any room or rooms within the same licensed facility for more than a 90 day period.
- No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
- No hotel or motel under this section is to be converted to or used as an apartment or condominium without prior approval of City Council. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards.
- Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.
- Each guest room having a stove-top unit or other type burner unit shall be required to also include a maximum 60 minute automatic power off timer for each such unit.
- A hard-wired smoke detector shall be provided and installed in each guest room.
- No outside storage or permanent parking of equipment or vehicles shall be allowed.
- All such facilities shall provide a 50 foot undisturbed buffer from any property zoned for multi-family residential purposes and/or a 100 foot undisturbed buffer from any property zoned for single family residential purposes.
- No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.
- All extended stay facilities shall have a maximum density of 75 guest units per gross acre of development.

The letter from the applicant states that their target customer will be high income business travelers not traveling with children. As a result, the applicant has requested variances from the following requirements:

- An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Planning and Zoning Director prior to development to ensure that all applicable safety specifications and standards are met. [§712.03 (B.4.)]
- Extended stay hotels/motels must have a minimum of 25% of the lot area dedicated to either active or passive open space. The open space shall include active recreation, such as a children's playground area, and/or passive recreation, such as greenspace and walking paths. [§712.03 (B.8.)]

Parking requirements for hotels is one space per unit, plus one per 200 sq. ft. of accessory uses; while extended stay hotels require 1.5 per unit. Depending on the amount of accessory uses provided, the site will be required to have at least one hundred ninety five (195) parking spaces. There are over two hundred spaces shown on the submitted site plan.

The future land use designation for this site is RAC (Regional Activity Center), which is intended for intensely developed areas serving a regional market and should be located along major arterials and highways. Office High Rise (OHR) zoning is compatible with the RAC future land use classification.



## STAFF ANALYSIS CONTINUED

### *Environmental Impacts*

There is an extensive amount of floodplain on the property, particularly along the access road entering the site. The amount of impervious surface shown on the site plan appears to exceed requirements; OHR carries an impervious surface limit of 80%. Adherence to the Tree Protection and Landscaping Ordinance will be verified during the site plan review process.

### *Economic Functionality*

This property was operated by Traveler's Inn until 2006 when the buildings were demolished. Since that time it has remained unused.

### *Infrastructure*

This project should cause no adverse effects on the City's transportation, education, water, sewer, electricity, or other public infrastructure in the area.

### *History of Property*

Variances were granted for this property in 1985 to reduce building setbacks (V-850637). A variance was granted in 1986 for a sign (V-860713).

### *Other Issues*

The below listed criteria are to be used when determining whether to grant a Special Land Use Permit. Further, the issuing board may grant Special Land Use Permits **for any given period of time at their own discretion.**

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

## ANALYSIS & CONCLUSION

Tony Patel with Horizon Hospitality Management Inc. is requesting the rezoning and a Special Land Use Permit for an extended stay hotel at 2500 Delk Road to construct a new hotel. The property is approximately 4.11 acres in area, currently zoned OI, and is undeveloped. All of the surrounding properties are zoned CRC and contain uses such as a motel, extended stay motel, gas station, and fast food restaurants.

The applicant is proposing the construction of a four (4) story, one hundred sixty (160) room Marriott hotel. The hotel will be a combination of two Marriott brands: seventy (70) rooms will be extended stay suites under the Towne Place Suites brand and ninety (90) rooms will be standard hotel rooms branded as Fairfield Inn & Suites. The application states that the facility will not offer weekly or monthly rates and their target customer will be high income not traveling with children.

This site is optimally located for a hotel because of its visibility from Interstate 75. Access to the property is a little difficult, in that it takes a circuitous path from Delk Road. There are many other hotels and motels in the area that are not being appropriately maintained or are functioning as apartments, creating issues for City Police, Code Enforcement, Fire, Building Departments, as well as the City Schools. Staff has concerns about whether the introduction of another extended stay hotel property into the area would alleviate or exacerbate the problems. Extended stay hotels have their own set of regulations detailed under Section 712.03, many of which cannot be verified until permits are submitted for the site and building. The applicant has requested variances from the following requirements:

1. An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Planning and Zoning Director prior to development to ensure that all applicable safety specifications and standards are met. [§712.03 (B.4.)]
2. Extended stay hotels/motels must have a minimum of 25% of the lot area dedicated to either active or passive open space. The open space shall include active recreation, such as a children's playground area, and/or passive recreation, such as greenspace and walking paths. [§712.03 (B.8.)]

It is worth noting that the issuing board may grant Special Land Use Permits for any given period of time at their own discretion.

The future land use designation for this site is RAC (Regional Activity Center), which is intended for intensely developed areas serving a regional market and should be located along major arterials and highways. Office High Rise (OHR) zoning is compatible with the RAC future land use classification.

Prepared by: Shelly Winkler

Approved by: Rusty Rott





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## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

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Is a water line adjacent to the property?	Cobb County Water
If not, how far is the closest water line?	Cobb County Water
Size of the water line?	Cobb County Water
Capacity of the water line?	Cobb County Water
Approximate water usage by proposed use?	Cobb County Water

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### ***CITY OF MARIETTA - SEWER***

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Is a sewer line adjacent to the property?	Cobb County Water
If not, how far is the closest sewer line?	Cobb County Water
Size of the sewer line?	Cobb County Water
Capacity of the sewer line?	Cobb County Water
Estimated waste generated by proposed development?	A.D.F                      Peak Cobb County Water
Treatment Plant Name?	Cobb County Water
Treatment Plant Capacity?	Cobb County Water
Future Plant Availability?	Cobb County Water

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***This site is served by Cobb Water System. However, please note, there is a Marietta Water owned sanitary sewer main that spans across the entire southwest corner of the property. There is a 20 foot easement that surrounds this sewer main that cannot be encroached.***

## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

Does flood plain exist on the property:	Yes
What percentage of the property is in the flood plain?	TBD by engineer; approximately 1/2
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No, except floodplain
Potential presence of endangered species in the area?	No

### ***Transportation***

What is the road effected by the proposed change?	Delk Rd and the private road leading from Delk to the property
What is the classification of the road?	Delk is arterial; private is local
What is the traffic count for the road?	N/A
Estimated # of cars generated by the proposed development?	N/A
Estimated # of trips generated by the proposed development?	N/A
Do sidewalks exist in the area?	Along Delk; not on private road
Transportation improvements in the area?	No
If yes, what are they?	N/A

Site development plans will be required for construction. Special attention will have to be made to the expansive floodplain across the property; e.g. the entire private road is located within the 100-year (AE) floodplain.



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***MARIETTA POWER - ELECTRICAL***

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Does Marietta Power serve this site?      Yes   x        No           

If not, can this site be served?      Yes                 No           

What special conditions would be involved in serving this site?

Additional comments: